Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/894,988	BEINTKEN ET AL.
		Examiner	Art Unit	
		Huyen X. Vo	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 June 2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/28/2001</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-5 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Tanaka et al. (US 5611018).

3.   Regarding claims 1 and 7, Tanaka et al. disclose a method and apparatus for

outputting a datastream processed by a processing device, the datastream processed

by the processing device being output at a certain output clock rate, comprising:

supplying the datastream processed by the processing device to a memory device

(*Ring Memory 7 in figure 1*); monitoring the loading level of the memory device (*col. 16,

line 48 to col. 17, line 6, overflow and underflow conditions*); and adjusting, as a function

of the loading level of the memory device, the output clock rate at which the data of the

datastream are output from the memory device (*col. 16, line 48 to col. 17, line 6,

adjusting input and output rate according to the "overflow" and "underflow" conditions*).

4.   Regarding claims 2 and 8, Tanaka et al. further disclose the step of writing the

data of the datastream processed by the processing device into the memory device at a

write clock rate which is greater than the maximum rate of the datastream supplied to

the processing device (*col. 17, lines 19-67, the data rate of the input signal into element 4 figure 1 is less than the data rate of the output signal out of the voice speed converter 6 in figure 1 depending signal compression/expansion*).

5.   Regarding claims 3 and 9, Tanaka et al. further disclose the step of varying the output clock rate between a first output clock rate and a second output clock rate as a function of the loading level of the memory device, the first output clock rate being lower than the minimum clock rate of the datastream supplied to the processing device, and the second output clock rate being higher than the maximum clock rate of the datastream supplied to the processing device (*col. 17, lines 19-67, the write clock can be adjusted faster or slower depending on the control signal from the Up-Down Converter 9 in figure 1*).

6.   Regarding claims 4 and 10, Tanaka et al. further disclose that wherein the first output clock rate is used as output clock rate if the loading level of the memory device is lower than a predetermined limit value, whereas the second output clock rate is used as output clock rate if the loading level of the memory device is higher than the limit value (*col. 16, line 48 to col. 17, line 6, "overflow" and "underflow" conditions*).

7.   Regarding claim 11, Tanaka et al. further disclose a clock-generating device, which, responsive to the control device, adjusts the output clock rate of the memory

device (*col. 16, line 48 to col. 17, line 6, "overflow" and "underflow" conditions and*

referring to Up-Down Converter 9 in figure 1).

8.   Regarding claims 5 and 12, Tanaka et al. further disclose that wherein the output

clock rate is continuously adapted as a function of the loading level of the memory

device, the output clock rate being increased with increasing loading level of the

memory device (*col. 16, line 48 to col. 17, line 6, "overflow" and "underflow" conditions*).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 6 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tanaka et al. (US 5611018).

11.   Regarding claims 6 and 13-16, Tanaka et al. fail to specifically disclose a

memory stack, a FIFO memory, and MPEG decoder. However, memory stack, a FIFO

memory, and MPEG decoder are well known in the art. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to implement the

method mentioned above to these devices to control the flow of data into and out of the

device to achieve data processing efficiency.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631.

The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

HXV   8/17/2005

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W. R YOUNG
PRIMARY EXAMINER